

DOA: 4/3/2025

## UNITED STATES DISTRICT COURT

## DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Clemente ACOSTA-Aviles

YOB: 1996

A200 286 455

Citizen of Mexico

Defendant.

Magistrate Case No. **25-01440MJ**

COMPLAINT FOR VIOLATION OF

COUNT I

Title 8, United States Code, Section 1326(a),  
enhanced by (b)(1) (Re-entry After Removal)  
(Felony)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

## COUNT I

That on or about September 8, 2022, the Defendant, CLEMENTE ACOSTA-AVILEZ, was found in the United States at or near Phoenix, Arizona, within the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States to Mexico through Nogales, Arizona, on July 16, 2019, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission into the United States in violation of Title 8, United States Code, Section 1326(a) enhanced by (b)(1) (Felony).

And the complainant further states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Reviewed by AUSA: *Lowie W. T.*

*Roman A. Chapetti*  
Signature of Complainant  
Roman A. Chapetti  
Deportation Officer

Sworn to before me and subscribed telephonically,

**April 3, 2025**

Date

at

Yuma, Arizona

City and State

James F. Metcalf, U.S. Magistrate Judge

Name

*J. F. Metcalf*  
Signature of Judicial Officer

**STATEMENT OF FACTUAL BASIS**

The complainant states that this complaint is based upon direct participation in the investigation and from the reports and communications of the encountering and apprehending officers; that the Defendant was found by immigration officer on or about September 8, 2022, while in custody of Arizona Department of Public Safety, at or near Phoenix, Arizona, within the District of Arizona. Record checks of the Defendant revealed that he is a citizen of Mexico and was not in possession of valid documents allowing him to enter or remain in the United States.

On September 8, 2022, the Defendant was arrested in Phoenix, Arizona by Arizona Department of Public Safety officers for the offense of Transportation of Dangerous Drugs for Sale, Dangerous Drug Possession, and Drug Paraphernalia Violation. On January 2, 2024, the defendant was convicted of the offense of Attempted Transportation of Dangerous Drugs for Sale, in violation of Arizona Revised Statute (ARS) 13-1001, 13-3407(A)(7) AND (B)(7), 13-3401, 13-301, 13-302, 13-303, 13-701, 13-702, 13-801, 16-954, 12-114.01, 12-116.01, and 12-116.02 and sentenced to 3 years imprisonment. Further, the defendant was convicted of Possession of Drug Paraphernalia, in violation of Arizona Revised Statute (ARS) A.R.S 13-3415, 13-3401, 13-301, 13-302, 13-303, 13-701, 13-702, 13-801, 16-954, 12-114.01, 12-116.01 AND 12-116.02 and sentenced to .5 years imprisonment.

1 Officers determined that on an unknown date, and after the Defendant's prior removal on July  
2 16, 2019, he illegally reentered the United States without inspection at an unknown location.  
3 On September 8, 2022, by questioning the Defendant and through record checks, officers  
4 confirmed that he was first ordered removed by immigration officers on January 17, 2015. On  
5 April 3, 2025, custody of the Defendant was transferred to ERO.

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8 Signature of Complainant

9 Sworn to before me and subscribed telephonically,

10 Date **April 3, 2025**

11 Signature of Judicial Officer

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13 Signature of Judicial Officer  
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